## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Un	ited States of America,	0.0014.400
	Plaintiff,	) 8:09MJ-166 )
	vs.	) DETENTION ORDER
Mi	guel Mejia-Palma,	<b>,</b>
	Defendant.	<b>,</b>
A.	Order For Detention After conducting a detention hearing pursuar Act, the Court orders the above-named defa142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform endant detained pursuant to 18 U.S.C. §
B.	The Court orders the defendant's detention  X By a preponderance of the evide conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions
C.	crime and carries a maxin imprisonment.  (b) The offense is a crime of (c) The offense involves a nation (d) The offense involves a large (d) The weight of the evidence again (a) The history and characteristics (a) General Factors:  The defendant a may affect wheth The defendant had a The defendant had The defendant is The defendant d	s Report, and includes the following: e offense charged: of a means of identification of another is a serious num penalty of Ten (10) years violence. arcotic drug. ge amount of controlled substances, to wit: nst the defendant is high.

The defendant has a history relating to drug abuse.

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			Th	e defendant has a history relating to alcohol abuse. e defendant has a significant prior criminal record. e defendant has a prior record of failure to appear at urt proceedings.
		(b)	Pro	of the current arrest, the defendant was on: obation are left.
			Re	elease pending trial, sentence, appeal or completion of ntence.
		(c)		ors: le defendant is an illegal alien and is subject to portation.
			Th de	e defendant is a legal alien and will be subject to portation if convicted.
			(BI	e Bureau of Immigration and Customs Enforcement ICE) has placed a detainer with the U.S. Marshal. her:
			_	
	(4)		nature and se are as foll	seriousness of the danger posed by the defendant's ows:
	(5)	Rebu	ttable Presu	umptions
_	` ,	In deto	ermining that following rel	t the defendant should be detained, the Court also relied buttable presumption(s) contained in 18 U.S.C. § 3142(e) and the defendant has not rebutted:
			That no co assure the of any other the crime in	endition or combination of conditions will reasonably appearance of the defendant as required and the safety represent and the community because the Court finds that noolves:
				A crime of violence; or An offense for which the maximum penalty is life
				imprisonment or death; or A controlled substance violation which has a maximum
				penalty of 10 years or more; or
			(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years ald and which was samplified.
		4. \		is less than five years old and which was committed while the defendant was on pretrial release.
		_ (b)	assure the	appearance of the defendant as required and the safety munity because the Court finds that there is probable
			cause to be	
			(1)	substance violation which has a maximum penalty of 10 years or more.

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(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 31, 2009.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge